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3 **Disabled Advocacy Group, APLC**
4 12 Williamsburg Lane
5 Chico, Ca 95926
6 (530) 895-3252

7 Attorneys for Plaintiff

8 THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
10
11

12 A.J. Oliver,
13

14 Plaintiff,

15 vs.

16 Silver Strand Plaza, LLC.
17

18 Defendants.
19

} Case No. 07cv2141 H (NLS)

} **Plaintiff's Request to the Clerk to**
} **Enter Default**

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

Plaintiff A.J. OLIVER hereby requests that the Clerk of the above-entitled Court enter default in this matter against defendant REMARK CORPORATION on the ground that said defendant has failed to appear or otherwise respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure.

Plaintiff served the Complaint on defendant on November 15, 2007, evidenced by the proof of service of summons on file with this Court. *See* Docket Item #3.

After receiving no response from defendant, a certified letter was sent on January 9, 2008 informing defendant that if an answer was not filed with the Court, default would be sought.

On January 31, 2008, Plaintiff filed his First Amended Complaint.

Plaintiff served the First Amended Complaint on defendant on February 8, 2008, evidenced by the proof of service of summons on file with this Court. *See* Docket Item #9.

Neither defendant, nor any representative or attorney for defendant, has responded to plaintiff's First Amended Complaint. As such, plaintiff hereby files this Request.

Dated: April 28, 2008

DISABLED ADVOCACY GROUP APLC

/s/ Lynn Hubbard, III, Esquire /
LYNHN HUBBARD, III
Attorney for Plaintiff

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2 **STATE OF CALIFORNIA, COUNTY OF BUTTE**

3 I, Kaina Schukei, am employed in the aforesaid County; I am over the
4 age of 18 years and not a party to the within action; my business address is
5 12 Williamsburg Lane, Chico, California 95926. On April 24, 2008, I
6 served:

7 **Plaintiff's Request to Enter Default**

8 on the interested parties in this action as follows:

9 CSC, Registered Agent for:
10 Remark Corporation
11 2730 Gateway Oaks Drive, Suite 100
12 Sacramento, California 95833

13 The following is a procedure in which service of this document was
14 effected:

- 15 (xx) U.S. Postal Service (by placing for collection and deposit in the
16 United States mail a copy of said document at Disabled Advocacy
17 Group, APLC, 12 Williamsburg Lane, Chico, Butte County,
18 California, in a sealed envelope, with postage fully prepaid.
19 (xx) Federal: I declare that I am employed in the office of a member of the
20 bar of this court, at whose direction the service was made.

21 I am familiar with the practice of Disabled Advocacy Group, APLC
22 for the collection and processing of correspondence for mailing with
23 U.S.P.S. In accordance with the ordinary course of business, the above-
24 mentioned document would have been picked up from our offices by the
25 United States Postal courier, on the same day on which it was placed at
26 Disabled Advocacy Group, APLC for pickup.

27 I declare under penalty of perjury under the laws of the State of
28 California that the foregoing is true and correct.

29 Dated: April 29, 2008 /s/ Kaina Schukei /
KAINA SCHUKEI